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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,880	12/29/2003	Masao Akaiwa	81752.0150	2792

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EXAMINER

FERGUSON, MARISSA L

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/747,880

Applicant(s)

AKAIWA ET AL.

Examiner

Marissa L. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group 1 in the reply filed on 2/8/05 is acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kalette (US Publication 2002/0154933).

Regarding claim 1, Kalette teaches a region setting means for setting a print region where printing is performed by marking off the printed tape part parallel to its longitudinal direction (Figures 1 and 2, marking is denoted by the print and non-print sections), print means for printing the print region (elements 19, 67, Paragraph 0037, Lines 10–12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2), a cutting means for cutting off the printed tape part (Page 2, Paragraph 0039, Lines 10-13, Paragraph 0041, Lines 8-11 and Paragraph 0044, Lines 1-4) and wherein the region setting means sets the print region such that, when the label is attached around the

Regarding claim 2, Kalette teaches a tape printing apparatus which creates a label to be attached to a linear or bar-shaped object by performing printing in a print region of a printing tape (Abstract and Figures 1,2) and cutting a printed tape part in a width direction of the printing tape (Figures 1 and 2), wherein the printing tape (10,24,54) is divided parallel to a longitudinal direction (Figures 1 and 2) thereof into the print region (16,25,30,42) which has a background color (Paragraph 0035, Lines 3-4 and elements 30,31) and where printing is performed and a non-print region (12,18,26,31,44) which has translucency (Paragraph 0035, Lines 4-5, Paragraph 0037, Line 9) and where printing is forbidden, the tape printing apparatus comprising a print means for printing the print region (elements 19, 67, Paragraph 0037, Lines 10-12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2), print forbidding means for forbidding printing of the non-print region (12,18,26,31,44 and encompasses all translucent areas) and cutting means for cutting off the printed tape part (Page 2, Paragraph 0039, Lines 10-13, Paragraph 0041, Lines 8-11 and Paragraph 0044, Lines 1-4).

Regarding claim 3, Kalette teaches wherein the print region and the non-print region are laid out in the printing tape such that, when the label is attached around the object from an edge portion of the printed tape part in its width direction, the print region is overlaid with the non-print region (Figures 1,2,10 and 13).

Regarding claim 4, Kalette teaches a tape printing apparatus which creates a

label to be attached to a linear or bar-shaped object by printing on a translucent printing tape and cutting a printed tape part in a width direction of the printing tape (Abstract) the tape printing apparatus comprising a region setting means for setting a print region where printing is performed by marking off the printed tape part parallel to its width direction (Figures 1 and 2, marking is denoted by the print and non-print sections), a print means for printing the print region (elements 19, 67, Paragraph 0037, Lines 10–12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2), a cutting means for cutting off the printed tape part (Page 2, Paragraph 0039, Lines 10-13, Paragraph 0041, Lines 8-11 and Paragraph 0044, Lines 1-4), wherein the region setting means sets the print region such that, when the label is attached around the object (49) from an edge portion of the printed tape part in its longitudinal direction, the print region is overlaid with a non-print region which is a non-print part (12,18,26,31,44, Figures 1,2 and all translucent/transparent regions).

Regarding claim 7, Kalette teaches a region disposition means for disposing the two regions of print region (16,25,30,42 and all opaque regions) and non-print region on the tape (12,18,26,31,44) wherein the region disposition means disposes the print region on an upstream side of the non-print region along a feed direction of the printing tape (Figure 2).

Regarding claim 8, Kalette teaches a label (Abstract) to be attached to a linear or bar-shaped object (49) by performing printing in a print region of a printing tape (elements 19, 67, Paragraph 0037, Lines 10–12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2), and cutting a printed tape part in a width direction of the

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printing tape (Page 2, Paragraph 0039, Lines 10-13, Paragraph 0041, Lines 8-11 and Paragraph 0044, Lines 1-4), the printing tape being divided parallel to the width direction into the print region which has a background color (Paragraph 0035, Lines 3-4 and elements 30,31) and where printing is performed (elements 19, 67, Paragraph 0037, Lines 10-12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2) and a non-print region which has translucency and where printing is forbidden (12,18,26,31,44 all translucent/transparent areas), the tape printing apparatus comprising print means for printing the print region (elements 19, 67, Paragraph 0037, Lines 10-12, Paragraph 0044, Lines 1-2 and Paragraph 0047, Lines 1-2), print forbidding means for forbidding printing of the non-print region (12,18,26,31,44 all translucent/transparent areas) and a cutting means for cutting off the printed tape part (Page 2, Paragraph 0039, Lines 10-13, Paragraph 0041, Lines 8-11 and Paragraph 0044, Lines 1-4).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalette (US Publication 2002/0154933) in view of Akaiwa (US Patent 6,666,593).

Kalette teaches the claimed invention with the exception of an input means for inputting characters such as object size, a print data generation means for generating print data based on inputted characters and wherein the region setting means sets at

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least one according to claim of a length of the print region and a length of the non-print region in the longitudinal direction based on the print data. Akaiwa teaches a tape printing apparatus with a keyboard for inputting information (Column 14, Lines 7-16) and is capable of setting length from the information inputted and a generating means (230). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Kalette to include a data entry and generating means as taught by Akaiwa, since Akaiwa teaches that it is advantageous to provide an easy method of viewing and editing information.

3. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalette (US Publication 2002/0154933) in view of Hosokawa et al. (US Publication 2002/0090243).

Kalette teaches the claimed invention with the exception of a half-cut means for cutting off only a release paper layer and as the layer is release an attachment base region is formed and wherein the half-cut means half-cuts a boundary portion between the print region and the non-print region in the longitudinal direction of the printing tape. Hosokawa et al. teaches a tape printing apparatus with a half-cutting means (Abstract) that releases only a peel layer and marking an attachment base region and wherein the half-cut means half cuts a boundary between a print and non-print region (Figures 13A-13C). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Kalette to replace a cutting means thereof with a half-cutting means as taught by Hosokawa et al.,

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since Hosokawa et al. teaches that it is advantageous to provide a faster and efficient cutting function of paper with different thicknesses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854

Ust

Ren Yan

REN YAN
PRIMARY EXAMINER